

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

BAVARIAN NORDIC A/S,)	
)	
Plaintiff,)	
)	
v.)	Civil Action No. 05-614-SLR
)	
ACAMBIS INC. and)	
ACAMBIS, PLC,)	
)	
Defendants.)	

ORDER

WHEREAS, Bavarian Nordic A/S (“Bavarian Nordic”) has moved pursuant to Federal Rule of Civil Procedure 12(f) to strike Defendants’ Second Defense, subpart f); and

WHEREAS, the Court has considered the parties’ positions and arguments with respect to the motion, and finds that Bavarian Nordic is entitled to the relief it seeks;

NOW, THEREFORE, IT IS HEREBY ORDERED, this ____ day of _____, 2005, that Bavarian Nordic’s motion is GRANTED. Defendant’s Second Defense, subpart f) is hereby STRICKEN.

United States District Judge